

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BILLIE LAWLESS, et al.,)	CASE NO. 1:19-CV-178
)	
Plaintiffs,)	
)	JUDGE DAN AARON POLSTER
v.)	
)	
CLEVELAND STATE UNIV., et al.)	<u>TELECONFERENCE MINUTES</u>
)	<u>AND ORDER</u>
Defendants.)	

On January 24, 2019, Plaintiffs Billie Lawless and Politician: A Toy, Inc. filed this action against Cleveland State University, Doc #: 1, and filed a Motion for Temporary Restraining Order, Doc #: 2. Lawless is the artist of a sculpture entitled *The Politician: A Toy*. Compl. ¶ 3. The Sculpture is a 40 foot tall piece surrounded by a wrought iron fence. Compl. ¶ 18. The fence contains phrases meant to refer to the current political climate. *Id.* The University entered into a contract with Lawless, under which the University would pay Lawless \$120.00 per year to relocate the Sculpture to the University's campus. Compl. ¶ 25. The Contract prohibits the University from modifying the Sculpture without Lawless's written consent. Compl. ¶ 29. On or about March 18, 2018, Lawless updated the Sculpture, adding the phrase "BUILD A WALL OF PUSSIE" in reference to Trump's wall and his *Access Hollywood* interview. *Id.* at ¶ 45. Lawless removed the phrase for routine repairs and reinstalled it on or about October 13, 2018. Compl. ¶ 47. On or about October 15, 2018, the University covered the "BUILD THE WALL OF PUSSIE" phrase with a re-used vinyl banner. *Id.* at ¶ 48. On November 28, 2018, the

University terminated the Contract. Lawless brought this action and TRO alleging that the University is unconstitutionally and unlawfully censoring Lawless's speech.

The same day this action and TRO were filed, the Court held a teleconference attended by Plaintiff Billie Lawless, Plaintiffs' counsel Peter G. Pattakos, Andrew C. Geronimo, and Rachel Hazelet, Defendants' representatives Sonali Wilson and George Hamm, and Defendants' counsel Amy Golian, Sam Peterson, and Ashley Barbone. Judge Polster explained to Lawless and his counsel that, given the 3+ months that had elapsed since the University first covered up the Sculpture's phrase, he did not believe that an emergency existed and therefore a TRO was inappropriate. However, Judge Polster encouraged the parties to come to a quick resolution for the remaining 4 months of the parties' contract. He scheduled a Case Management Conference for February 8, 2019 at 2:30PM. Plaintiffs are to serve Defendants and Defendants are to file their Answer prior to the CMC.

Accordingly, Plaintiffs' Motion for Temporary Restraining Order and Motion for Preliminary Injunction, Doc #: 2 is hereby **DENIED**.

IT IS SO ORDERED.

/s/Dan Aaron Polster Jan. 25, 2019
DAN AARON POLSTER
UNITED STATES DISTRICT COURT